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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/245,592 | 02/08/1999 | JOHN C. ADDY | 8321 | 5059 |

7590

07/05/2002

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JUL 1 6 2002

LAW DEPARTMENT

EXAMINER

WASYLCHAK, STEVEN R

ART UNIT PAPER NUMBER

3624

DATE MAILED: 07/05/2002

"FINAL"

Response due October 5, 2002.

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/245,592 | ADDY ET AL. | |
| | Examiner | Art Unit | |
| | Steven R. Wasylchak | 3624 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Reconsideration

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrison (US 6,112,857).

As per claim 1,

A method of operating a retail system which includes

(i) a plurality of self-service checkout terminals, (ii) a first remote supervisor terminal, and (iii) a second remote supervisor terminal, / **col 1, L 66 to col 2, L 12** (self-service checkout terminals); **col 2, L 20-52** (assisted checkout terminal, which is accessible from **any** self-service checkout terminal and therefore supervises **any** such self-service checkout terminal, lines 33-41, acts as a **remote supervisor terminal**); **col 8, L 39-51**; **col 17, L 1-20**, where on lines 14-20 we note "...that all changes and modifications that come within the spirit of the invention are desired to protected." and subsumed within that spirit would be duplication of parts or in this case a plurality or group of terminal systems as found in the MPEP 2144.04 B: In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960); comprising the steps of:

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(a) operating said first remote supervisor terminal such that said first remote supervisor terminal monitors operation of each of said **plurality** of self service checkout terminals during a first period of time; / col 9, L 10-35; col 9, L 45 to col 10, L 4; col 16, L 37-67 col 17, L 1-13. The reference fails to teach the feature of monitoring by using particular scanning patterns. Official notice is taken that this feature is old and well known in the retail and / or security art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature for the advantage of **queuing optimization of scanning coverage** by the well known communications technique of **multipoint access** (mapping one to many, see p. 473 definition in Newton's Telecom Dictionary).

(b) maintaining said second remote supervisor terminal in an idle mode of operation such that said second remote supervisor terminal does not monitor operation of any of said **plurality** of self-service checkout terminals during said first period of time; / col 9, L 10-35; col 9, L 45 to col 10, L 4; col 16, L 37-67. Official notice is taken that this feature is old and well known in the retail and / or security art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature for the advantage of **queuing optimization of scanning coverage** by the well known communications technique of **multipoint access** (mapping one to many, see p. 473 definition in Newton's Telecom Dictionary).

(c) operating said first remote supervisor terminal such that said first remote supervisor terminal monitors operation of a first **group** of said **plurality** of self-service checkout terminals during a second period of time; and / col 9, L 10-35; col 9, L 45 to col 10, L 4;

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col 16, L 37-67. The reference fails to teach the feature of monitoring by using particular scanning patterns. Official notice is taken that this feature is old and well known in the retail and / or security art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature for the advantage of **queuing optimization of scanning coverage** by the well known communications technique of **multipoint access** (mapping one to many, see p. 473 definition in Newton's Telecom Dictionary).

(d) operating said second remote supervisor terminal such that said second remote supervisor terminal monitors operation of a second **group** of said **plurality** of self-service checkout terminals during said second period of time, / col 9, L 10-35; col 9, L 45 to col 10, L 4; col 16, L 37-67; col 17, L 1-13. The reference fails to teach the feature of monitoring by using particular scanning patterns. Official notice is taken that this feature is old and well known in the retail and / or security art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature for the advantage of **queuing optimization of scanning coverage** by the well known communications technique of **multipoint access** (mapping one to many, see p. 473 definition in Newton's Telecom Dictionary).

wherein said first **group** of said **plurality** of self-service checkout terminals is different from said second **group** of said plurality of self-service checkout terminals, / col 9, L 10-35; col 9, L 45 to col 10, L 4; col 16, L 37-67

wherein said first remote supervisor terminal is configured to enable a store employee located at said first remote supervisor terminal to communicate with customers

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respectively located at each of said first **group** of said **plurality** of self-service checkout terminals via audio, video, and data connection during step (c), and / col 9, L 10-35; col 9, L 45 to col 10, L 4; col 16, L 37-67

wherein said second remote supervisor terminal is configured to enable a store employee located at said second remote supervisor terminal to communicate with customers respectively located at each of said second **group** of said **plurality** of self-service checkout terminals via audio, video, and data connection during step (d). / col 1, L 53-61; col 9, L 10-35; col 9, L 45 to col 10, L 4; col 16, L 37-67

As per claim 2,

The method of claim 1, wherein said step of operating said first remote supervisor terminal such that said first remote supervisor terminal monitors operation of each of said plurality of self-service checkout terminals includes the step of operating said first remote supervisor terminal such that said first remote supervisor terminal monitors operation of each of said plurality of self-service checkout terminals so as to assist a plurality of customers respectively operating each of said plurality of self-service checkout terminals. / col 9, L 10-35; col 9, L 45 to col 10, L 4; col 16, L 37-67. The reference fails to teach the feature of monitoring by using particular patterns. Official notice is taken that this feature is old and well known in the retail art and / or security art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature for the advantage of queuing optimization of scanning coverage by multiplexing (mapping of one to many).

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As per claim 3,

The method of claim 1, wherein: said step of operating said first remote supervisor terminal al such that said first remote supervisor terminal monitors operation of said first group of said plurality of self-service checkout terminals includes the step of operating said first remote supervisor terminal such that said first remote supervisor terminal monitors operation of said first group of said plurality of self-service checkout terminals so as to assist a first group of customers respectively operating each of said first group of self-service checkout terminals, and said step of operating said second remote supervisor terminal such that said second remote supervisor terminal monitors operation of said second group of said plurality of self-service checkout terminals includes the step of operating said second remote supervisor terminal such that said second remote supervisor terminal monitors operation of said second group of said plurality of self-service checkout terminals so as to assist a second group of customers respectively operating each of said second group of self-service checkout terminals. / col 9, L 10-35; col 9, L 45 to col 10, L 4; col 16, L 37-67. The reference fails to teach the feature of monitoring by using particular patterns. Official notice is taken that this feature is old and well known in the retail art and / or security art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature for the advantage of queuing optimization of scanning coverage by multiplexing (mapping of one to many).

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As per claim 4,

The method of claim 1, wherein said step of operating said first remote supervisor terminal such that said first remote supervisor terminal monitors operation of each of said plurality of self-service checkout terminals includes the step of operating said first remote supervisor terminal so as to provide security to each of said plurality of self-service checkout terminals during said first period of time. / col 9, L 10-35; col 9, L 45 to col 10, L 4; col 16, L 37-67. The reference fails to teach the feature of monitoring by using particular patterns. Official notice is taken that this feature is old and well known in the retail art and / or security art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature for the advantage of queuing optimization of scanning coverage by multiplexing (mapping of one to many).

As per claim 5,

The method of claim 1, wherein: said step of operating said first remote supervisor terminal al such that said first remote supervisor terminal monitors operation of said first group of said plurality of self-service checkout terminals includes the step of operating said first remote supervisor terminal so as to provide security to said first group of said plurality of self-service checkout terminals during said second period of time, and said step of operating said second remote supervisor terminal such that said second remote supervisor terminal monitors operation of said second group of said plurality of self-service checkout terminals includes the step of operating said second remote supervisor terminal so as to provide security to said second group of said plurality of

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self-service checkout terminals during said second period of time. / col 9, L 10-35; col 9, L 45 to col 10, L 4; col 16, L 37-67. The reference fails to teach the feature of monitoring by using particular patterns. Official notice is taken that this feature is old and well known in the retail art and / or security art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature for the advantage of queuing optimization of scanning coverage by multiplexing (mapping of one to many).

As per claim 6,

The method of claim 1, wherein said retail system further includes a third remote supervisor terminal, further comprising the steps of: operating said first remote supervisor terminal such that said first remote supervisor terminal monitors operation of a third group of said plurality of self-service checkout terminals during a third period of time; operating said second remote supervisor terminal such that said second remote supervisor terminal monitors operation of a fourth group of said plurality of self-service checkout terminals during said third period of time; and operating a third remote supervisor terminal such that said third remote supervisor terminal monitors operation of a fifth group of said plurality of self-service checkout terminals during said third period of time, wherein each of said first group of self-service checkout terminals, said second group of self-service checkout terminals, said third group of self-service checkout terminals, said fourth group of self-service checkout terminals, and said fifth group of self-service checkout terminals is different from one another. / col 9, L 10-35; col 9, L 45 to col 10, L 4; col 16, L 37-67. The reference fails to teach the feature of

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monitoring by using particular patterns. Official notice is taken that this feature is old and well known in the retail art and / or security art. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement this feature for the advantage of queuing optimization of scanning coverage by multiplexing (mapping of one to many).

As per claim 7,

A method of operating a retail system, comprising the steps of:

- (a) operating a first remote supervisor terminal so as to monitor operation of a first group of self-service checkout terminals during a first period of time;
 - (b) operating a second remote supervisor terminal so as to monitor operation of a second group of self-service checkout terminals during said first period of time;
 - (c) operating said first remote supervisor terminal so as to monitor operation of said second group of self-service checkout terminals during a second period of time; and
 - (d) operating said second remote supervisor terminal so as to monitor operation of said first group of self-service checkout terminals during said second period of time,
- wherein said first group of self-service checkout terminals is different from said second group of self-service checkout terminals,
- wherein said first remote supervisor terminal is configured to enable a store employee located at said first remote supervisor terminal to communicate with customers respectively located at each of said first group of self-service checkout terminals via audio, video, and data connection during step (a),

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wherein said second remote supervisor terminal is configured to enable a store employee located at said second remote supervisor terminal to communicate with customers respectively located at each of said second group of self-service checkout terminals via audio, video, and data connection during step (b),

wherein said first remote supervisor terminal is configured to enable a store employee located at said first remote supervisor terminal to communicate with customers respectively located at each of said second group of self-service checkout terminals via audio, video, and data connection during step (c)

wherein said second remote supervisor terminal is configured to enable a store employee located at said second remote supervisor terminal to communicate with customers respectively located at each of said first group of self-service checkout terminals via audio, video, and data connection during step (d). / entire claim: refer to reasoning under claim 1

As per claim 8,

The method of claim 7, wherein: said step of operating said first supervisor terminal so as to monitor operation of said first group of self-service checkout terminals includes the step of operating said first supervisor terminal so as to assist a first group of customers respectively operating said first group of self-service checkout terminals during said first period of time, and said step of operating said second supervisor terminal so as to monitor operation of said second group of self-service checkout terminals includes the step of operating said second supervisor terminal so as to assist a second group of

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customers respectively operating said second group of self-service checkout terminals during said first period of time. / entire claim: refer to reasoning under claim 2

As per claim 9,

The method of claim 8, wherein: said step of operating said first supervisor terminal so as to monitor operation of said second group of self-service checkout terminals includes the step of operating said first supervisor terminal al so as to assist a third group of customers respectively operating said second group of self-service checkout terminals during said second period of time, and said step of operating said second supervisor terminal as to monitor operation of said first group of self-service checkout terminals includes the step of operating said second supervisor terminal so as to assist a fourth group of customers respectively operating said first group of self-service checkout terminals during said second period of time. / entire claim: refer to reasoning under claim 2

As per claim 10,

The method of claim 7, wherein: said step of operating said first supervisor terminal so as to monitor operation of said first group of self-service checkout terminals includes the step of operating said first supervisor terminal s o a s to provide security to said first group of self-service checkout terminals during said first period of time, and said step of operating said second supervisor terminal so as to monitor operation of said second group of self-service checkout terminals includes the step of operating said second supervisor terminal so as to provide security to said second group of self-service

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checkout terminals during said first period of time. / entire claim: refer to reasoning under claim 1

As per claim 11,

The method of claim 10, wherein: said step of operating said first supervisor terminal so as to monitor operation of said second group of self-service checkout terminals includes the step of operating said first supervisor terminal so as to provide security to said second group of self-service checkout terminals during said second period of time, and said step of operating said second supervisor terminal so as to monitor operation of said first group of self-service checkout terminals includes the step of operating said second supervisor terminal so as to provide security to said first group of self-service checkout terminals during said second period of time. / entire claim: refer to reasoning under claim 1

As per claim 12,

The method of claim 7, further comprising the step of operating a third remote supervisor terminal so as to monitor operation of both said first group of self-service checkout terminals and said second group of self-service checkout terminals during a third period of time. / entire claim: refer to reasoning under claim 1

As per claim 13,

A self-service retail system, comprising: a plurality of self-service checkout terminals for allowing a plurality of customers to checkout items for purchase; a first remote supervisor terminal electrically coupled via audio, video and data connection to each of said plurality of self-service checkout terminals so as to enable a store employee

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located at said first remote supervisor terminal to communicate with customers respectively located at each of said plurality of self-service checkout terminals via said audio, video, and data connection; and a second remote supervisor terminal electrically coupled via audio, video and data connection to each of said plurality of self-service checkout terminals so as to enable a store employee located at said second remote supervisor terminal to communicate with customers respectively located at each of said plurality of self-service checkout terminals via said audio, video, and data connection, wherein (i) said first remote supervisor terminal is configured to monitor operation of each of said plurality of self-service checkout terminals during a first period of time, (ii) said second remote supervisor terminal is maintained in an idle mode of operation during said first period of time, (iii) said first remote supervisor terminal is further configured to monitor operation of a first group of said plurality of self-service checkout terminals during a second period of time, (iv) said second remote supervisor terminal is further configured to monitor operation a second group of said plurality of self-service checkout terminals during said second period of time e, and (v) said first group of said plurality of self service checkout terminals is different from said second group of said plurality of self-service checkout terminals. / entire claim: refer to reasoning under claim 1.

As per claim 14,

The self-service retail system of claim 13, wherein said first remote supervisor terminal is further configured to assist each of said plurality of customers during said first period of time. / entire claim: refer to reasoning under claim 2

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As per claim 15,

The self-service retail system of claim 13, wherein: said first remote supervisor terminal is further configured to assist a first group of said plurality of customers during said second period of time e, and said second remote supervisor terminal is further configured to assist a second group of said plurality of customers during said second period of time. / entire claim: refer to reasoning under claim 2

As per claim 16,

The self-service retail system of claim 13, wherein said first remote supervisor terminal is further configured to provide security to each of said plurality of self-service checkout terminals during said first period of time. / entire claim: refer to reasoning under claim 2

As per claim 17,

The self-service retail system of claim 13, wherein: said first remote supervisor terminal is further configured to provide security to said first group of said plurality of self-service checkout terminals during said second period of time, and said second remote supervisor terminal is further configured to provide security to said second group of said plurality of self-service checkout terminals during said second period of time. / entire claim: refer to reasoning under claim 2

This action is FINAL. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Wasylchak whose telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Thursday from 7:00 a.m. to 6:00 p.m. EST.

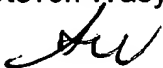
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for Art Unit 3624 is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Steven Wasylchak

6/27/02



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